

OCT 12 2006

FAX COVER SHEET**PLEASE CONFIRM RECEIPT OF THIS FACSIMILE**

Attention:	MAIL STOP APPEAL BRIEF - PATENTS Group Art Unit: 2131 Examiner: SHERKAT, Arezo	Fax:	(571) 273-8300
UNITED STATES PATENT AND TRADEMARK OFFICE		Phone:	(571) 272-3796
Pages:	Cover + 1 + 4 = 6	Date:	October 12, 2006
From:	Georgann S. Grunebach Assistant General Counsel	Fax:	(310) 964-0941
		Phone:	(310) 964-4615

The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address below via the U.S. Postal Service. Thank you.

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence identified below is being facsimile transmitted to (571) 273-8300 (Centralized Facsimile Number), addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 12, 2006.

Telephone No. (310) 964-4615

Georgann S. Grunebach
 Georgann S. Grunebach, Reg. No. 33,179
 (Printed Name of Person Signing Certificate)

October 12, 2006
 (Date of Signature)

Attention: Commissioner for Patents**Attorney Docket No. PD-990304**

Please find attached Re:

Serial No.: 09/688,609

Filing Date: October 13, 2000

- TRANSMITTAL FORM PTO/SB/21 (1 page)
- REPLY BRIEF IN RESPONSE TO EXAMINER'S ANSWER DATED AUGUST 24, 2006 (4 pages)

PLEASE CONFIRM RECEIPT OF THIS FACSIMILE

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

OCT 12 2006

PTO/SB/21 (09-06)

Approved for use through 33/31/2007. OMB 0651-0031

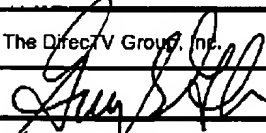
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

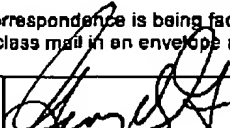
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/668,609	
	Filing Date	10/13/2000	
	First Named Inventor	Armando Montalvo	
	Art Unit	2131	
	Examiner Name	SHERKAT, Arezoo	
Total Number of Pages in This Submission	5	Attorney Docket Number	PD-890304

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The DirecTV Group, Inc.		
Signature			
Printed name	Georgann S. Grunebach		
Date	October 12, 2006	Reg. No.	33,179

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Georgann S. Grunebach, Reg. No. 33,179	Date	October 12, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 12 2006

PATENT
Docket No. PD-990304IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Montalvo, Armando

Serial No.: 09/688,609

Group Art Unit: 2131

Filed: 10/13/2000

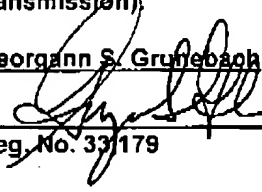
Examiner: Sherkat, Arezoo

For: SATELLITE SYSTEM FOR SECURE COMMUNICATION

Attorney Docket No.: PD-990304

Certification under 37 CFR 1.10

I hereby certify that this correspondence is being facsimile transmitted to 571-273-8300 (Centralized Facsimile Number), addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on October 12, 2006 (date of facsimile transmission).

Georgann S. Grunebach (Name of Applicant, Assignee or Registered Representative)
Reg. No. 331179

(Signature)

October 12, 2006

(Date of Signature)

Customer Number 020991

REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present Reply Brief is in response to the Examiner's Answer mailed August 24, 2006.

Serial No. 09/688,609

2

PD-990304

Claims 1-10 Rejection under 35 U.S.C. § 112

In the Examiner's Answer beginning on page 7, paragraph (10), the Applicant would like to thank the Examiner for the withdrawal of the rejection of claims 1-10 under 35 U.S.C. § 112, first paragraph.

Claims 1-10 Rejection under 35 U.S.C. § 103(a)

The Examiner asserted that the claims fail to show the features upon which Appellant is relying, namely the security control plane is formed from information received from "each of the communication layers" and that "the security control plane does not pre-exist as a software module." It is respectfully asserted that these two features are clearly recited in the claims.

Independent Claims 1 and 10 require "a security control plane coupled to and formed using information from **each of said plurality of communication layers**," thereby clearly reciting the security control plane is formed from information from each of the communication layers. Furthermore, the requirements of Claims 1 and 10 that identify the **formation** of the security control plane clearly recites that the security control plane is formed from information in each communication layer and therefore, it is respectfully submitted that the security control plane cannot be interpreted as a pre-existing software module.

The Examiner also asserted that the **application layer** is not relied upon in the claims. However, it is respectfully asserted that the application layer is defined in the specification to be one of the plurality of communication layers recited in the claims. The claims require that the security control plane is coupled to and formed from each of the plurality of communication layers. Therefore, the claims require that the application

Serial No. 09/688,609

3

PD-990304

layer, as part of the plurality of communication layers that contains or provides security information used in the formation of the security control plane, is relied upon in the claims.

The Examiner asserted that the Appellant's argument regarding Preston's teachings of key and encryption utilized in single layer fails to comply with 37 CFR 1.111(b) because the argument fails to specifically point out how the claim language patentably distinguishes from the Preston reference. To more clearly define the argument, it is respectfully asserted that the claims of the present invention form a security control plane using information from **each of the plurality of communication layers**. The present invention teaches utilization of each communication layer and not merely key and encryption utilized in a single layer as taught in the Preston reference.

The Appellant maintains the argument that the Preston reference fails to teach or suggest forming the security control plane from information received from each of the communication layers and that the security control plane does not pre-exist as a software model. Therefore, even in combination with other references that may indicate modularity (i.e., Willis and/or Greene), the references fail to teach or suggest the features of the present invention.

Serial No. 09/688,609

4

PD-990304

Appellants believe that Claims 1-10 remaining in this case are allowable and requests the Board to reverse the Examiner's finding of unpatentability.

Respectfully submitted,



Georgann S. Grunebach
Registration No.: 33,179

Dated: October 12, 2006

The DIRECTV Group, Inc.
CA/LA1/A109
2230 East Imperial Highway
El Segundo, CA 90245-0956
Tel: 310-964-4615
Fax: 310-964-4883